

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1729 (Committee on Elections and Redistricting) – As Introduced March 23, 2017

SUBJECT: Examination of petitions.

SUMMARY: Clarifies current law pertaining to petition retention. Specifically, **this bill** requires a county elections official to destroy a petition one year from the date that the proponents last examined the petition.

EXISTING LAW:

- 1) Requires county elections officials to preserve initiative or referendum petitions received or filed in their offices for 8 months after the certification of the results of the election for which the petition qualified, or 8 months after the final examination of the petition by the elections official if the measure is not submitted to the voters.
- 2) Requires the elections official to destroy the petitions as soon as practicable, unless certain conditions are satisfied, such as the petition is in evidence in some action or proceeding, or the proponents of the petition have requested to examine a petition found to be insufficient.

FISCAL EFFECT: Unknown. State-mandated local program; contains a public records disclaimer.

COMMENTS:

- 1) **Purpose of the Bill:** This is one of the Assembly Elections and Redistricting Committee's omnibus bills, containing minor and technical changes to provisions of the Elections Code. All of the provisions of this bill are changes requested by the California Association of Clerks and Election Officials.
- 2) **Initiative and Referendum Petition Preservation:** Existing law requires county elections officials to preserve initiative or referendum petitions received or filed in their offices for 8 months after the certification of the results of the election for which the petition qualified, or 8 months after the final examination of the petition by the elections official if the measure is not submitted to the voters. Existing law thereafter requires the elections official to destroy the petitions as soon as practicable, unless certain conditions are satisfied, such as the petition is in evidence in some action or proceeding or the proponents of the petition have requested to examine a petition found to be insufficient. Current law, however, does not state when a petition will be destroyed after a proponent has initiated a request to examine the insufficient petition. This bill places an end date on the retention period for a petition and requires a county elections official to destroy a petition one year from the date that the proponents last examined the petition.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials

Opposition

None on file.

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